

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

NEIL ROMERO,

Plaintiff,

vs.

JIM SALMONSEN, ALVIN FODY,
CARLA STRUTZEL, CHRISTINE
SLAUGHTER, C/O PHILLPOT, and
LORNA KUCHINSKY,

Defendants.

CV 19-11-H-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered two separate Findings and Recommendations in this case. First, Judge Johnston recommended that Plaintiff Neil Romero’s (“Romero”) motion for preliminary injunction and temporary restraining order should be denied. (Doc. 12.) Judge Johnston then issued an order requiring Romero to file his initial disclosure statement as outlined in the Court’s Scheduling Order, (Doc. 13). (Doc. 20.) Judge Johnston’s order required Romero to file that order by December 6, 2019, or else Judge Johnston would recommend dismissing the case for failure to comply with a court order. (*Id.*) Romero failed to file anything by December 6, 2019. Judge Johnston issued his second Findings and Recommendations on December 13, 2019, in which he

recommended dismissing the case under Federal Rule of Civil Procedure 41(b).

(Doc. 21.)

Neither party filed objections to the Findings and Recommendations that would dismiss this case. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that:

- Judge Johnston’s Findings and Recommendations (Doc. 21) are **ADOPTED IN FULL**.
- This matter is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b).
- The Clerk of Court should close this matter and enter judgment under Federal Rule of Civil Procedure 58.

- The Clerk of Court will make the docket reflect that the Court certifies under Federal Rule of Appellate Procedure 24(a)(3)(A) that any appeal of this decision is not taken in good faith.
- Plaintiff Neil Romero's Motion for Preliminary Injunction and Temporary Restraining Order (Docs. 2 and 3) are **DENIED**, as moot.

DATED this 6th day of January, 2020.



Brian Morris
United States District Court Judge